

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

NOVICK, ET AL

4:16-cv-730

V.

April 9, 2018
Houston, Texas
2:03 p.m.

SHIPCOM WIRELESS, INC.

FINAL PRETRIAL CONFERENCE

BEFORE THE HONORABLE CHRISTINA A. BRYAN

UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

For Plaintiffs

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Proceedings from official electronic sound recording;
transcript produced by court approved transcriber.

1 THE COURT: Good afternoon.

2 Please be seated.

3 All right. Mr. MacDowall.

4 MR. MAC DOWALL: Yes, Your Honor.

5 THE COURT: And Mr. Notes- -- Notestine?

6 MR. NOTESTINE: Notestine.

7 THE COURT: Notestine. Thank you.

8 And Mr. Slobin.

9 MR. SLOBIN: Yes, Your Honor.

10 THE COURT: And correct me on the pronunciation of
11 your name.

12 MR. SINKULE: Sinkule.

13 THE COURT: Sinkule.

14 MR. SINKULE: Yes.

15 THE COURT: Okay. Wonderful.

16 All right. I have - I think it makes the most
17 sense to start with the Motion for Continuance, if that is -
18 unless you all think that there's something that we need to
19 address before we get to the Motion for Continuance.

20 MR. SINKULE: No, Your Honor.

21 THE COURT: Okay.

22 So, it is Plaintiff's motion, correct?

23 MR. SINKULE: Yes, Your Honor.

24 THE COURT: Are you opposed?

25 MR. NOTESTINE: Well, it depends on how much of a

1 continuance they're asking for. It's not real clear from the
2 motion. We don't mind a few days, a day or two, but, I mean,
3 if it goes over two weeks I know I'll - I have got to be out
4 of town the whole first week of May. I'm leaving on Tuesday.
5 It's a Monday, I believe.

6 THE COURT: Okay.

7 MR. NOTESTINE: It will be April 30th I'm leaving.

8 THE COURT: Okay.

9 MR. NOTESTINE: I'm, generally, available the next
10 two weeks, starting the 16th.

11 THE COURT: Starting the 16th of May.

12 MR. MAC DOWALL: Your Honor, I do have a conflict
13 April 26th to the 30th, so.

14 THE COURT: Okay. Well, let's first all start with
15 the length. I take it from the motion you're talking about 21
16 days or so to get airfare.

17 MR. SINKULE: I was thinking - we were thinking the
18 first week of May or the third week of May, something like -
19 like that if there's a conflict -

20 THE COURT: All right.

21 MR. SINKULE: -- with the other side.

22 THE COURT: How does the first week of May or the
23 third week of May look?

24 MR. NOTESTINE: The first week of May is a problem.
25 I'm supposed to be on the first on Tues- -- starting on

1 Tuesday morning for us.

2 THE COURT: Okay. Then how about the third week of
3 May?

4 MR. NOTESTINE: I think - you mind if I look at my
5 calendar?

6 THE COURT: No, please; I'm asking Ms. Jantowski to
7 look at my calendar.

8 (Court and Clerk confer off the record.)

9 MR. NOTESTINE: I do not - I've been asked to come in
10 and help try a case from one of our lawyers, and there's a
11 docket call. I have no idea actually when I'm going to trial
12 on that case. It's supposed to be a Mason (phonetic) client.

13 THE COURT: Yeah. Well, the third week of May is not
14 going to work for me, because my daughter is graduating from
15 college in Vermont, and the Fifth Circuit conference also
16 that - is also that week.

17 MR. SINKULE: Well, let me look.

18 And so, I guess the first - the 14th, which I
19 don't know if that's the - that's how you look at it, the
20 second or third week of May?

21 THE COURT: Ms. Jankowski?

22 THE CLERK: The first full week of May is, like, May
23 2nd.

24 MR. SINKULE: So, I know that first week, like, May
25 1, that week looks good. May 14th, the week of that week

1 looks good.

2 MR. NOTESTINE: Well, Your Honor, I can't actually
3 say when we are willing to go to trial. So, we weren't
4 actually able to consult with our clients about whether they
5 would be available really on a one-day trip witness and
6 possibly one other they've designated.

7 THE COURT: Well, let me ask another question.

8 Originally, you guys gave us a three - I think
9 two-day trial. You said that the case would take two days to
10 try, and I think something you filed more recently listed a
11 significantly longer period of time.

12 MR. NOTESTINE: I said three days. I think -
13 You know, but it's going to start - do voir dire and pick a
14 jury and they have five Plaintiffs. And we basically have one
15 witness, maybe two witnesses, so, like - and then we do
16 closing arguments. It's going to be three days, Your Honor.

17 MR. SINKULE: I think that's right. I think we said
18 two to three days. I'm not sure where we are.

19 MR. NOTESTINE: Yeah.

20 We have -- we don't mind, you know -

21 THE COURT: Okay.

22 MR. NOTESTINE: -- a few days to get a lower airfare
23 or something, but -

24 THE COURT: Well, I don't think a few days is going
25 to get a lower airfare. I think you're talking about 14 to 21

1 days at a minimum.

2 Is that accurate?

3 MR. SINKULE: I think that is probably right.

4 THE COURT: And in part, I set this trial to start on
5 the 16th on the basis it would be a two-day trial, because I
6 will be out on the 20th and I wanted to make sure that - I
7 thought that would give the jury plenty of time to deliberate
8 and for the case to be completed.

9 MR. NOTESTINE: I don't think there will be a problem
10 with that. I am virtually certain we will be done and that
11 would be - and then they can - unless the jury is out for a
12 longer period of time.

13 THE COURT: Well, let me say this. I'm inclined to
14 grant the Motion for Continuance, because I personally am not
15 pleased with the amount of time that it took the Court or me
16 to get your motion ruled on. That was just a factor when I
17 came on the Bench and everything that came - you know - that
18 was in line in front of your motions.

19 So, I do have - I am sympathetic to the idea
20 that the motion was addressed very recently. I'm going to
21 make sure that whatever the new trial setting is is convenient
22 for all parties. So, I can ask you all to go back and come up
23 with a date, run those dates by the Court, and we can find out
24 if those dates will work for me.

25 MR. NOTESTINE: Yeah. Would you check - might as

1 well the 10th or the 7th is one of the weeks of - in May and
2 then we'll check to see if that's a problem.

3 THE COURT: Okay.

4 MR. NOTESTINE: You said your daughter's -

5 THE COURT: I have twins -

6 MR. NOTESTINE: Oh.

7 THE COURT: -- that are graduating from college. One
8 is at Rice. His graduation is on the 12th of May, and the
9 other one is in Vermont and her graduation is on the 25th, but
10 I will be out starting the - what's the first day of the Fifth
11 Circuit conference? Is it the 23rd or the 25th?

12 THE CLERK: Twenty-third.

13 THE COURT: And so, I will be out starting the 23rd.
14 So that third week in May - the week of the 21st is not going
15 to work. So, that leaves us -

16 MR. NOTESTINE: The next week is Memorial Day. It
17 might be hard to get a flight, with the whole reason of this
18 flight. It is probably a harder weekend to get a flight
19 around.

20 MR. SINKULE: How about the week of the 14th, if
21 that's a good day.

22 MR. NOTESTINE: The week of the 14th is fine with my
23 schedule, personally.

24 THE COURT: Well, I'm on criminal docket. I'm on
25 criminal docket that week, so that won't work.

1 How about the week of the 7th?

2 MR. SINKULE: I know that Mr. Novick, the first named
3 Plaintiff, is unavailable the 7th, 8th and 9th of May; one of
4 those incentives is a -

5 MR. NOTESTINE: Well, if - they have five parties,
6 Your Honor. I find it hard to believe that there may be
7 some - somebody is having a problem virtually every week.

8 What about - what about the week of April 23rd,
9 and that's two weeks?

10 THE COURT: I'm in Laredo.

11 MR. NOTESTINE: Oh, you're in Laredo.

12 THE COURT: We're short a Magistrate Judge in Laredo.

13 Well, what about moving into June?

14 MR. NOTESTINE: I have an arbitration in Rochester,
15 New York, on the 12th and 13th. I think other than that I
16 should be - I am open.

17 MR. SINKULE: My calendar is open the first full week
18 of June.

19 THE COURT: Which is the 5th - I mean the 4th through
20 the -

21 (Court and Clerk confer off the record.)

22 THE COURT: Mr. Notestine, are you in the *Hendricks*
23 case?

24 MR. NOTESTINE: Yes.

25 Don't tell me we have a trial then, too.

1 MR. SINKULE: We are as well.

2 THE COURT: So, that's scheduled to start on the
3 18th.

4 What about trying this case the week before or
5 after that?

6 MR. NOTESTINE: The week before is when I'm going to
7 be in -

8 THE COURT: That's when you're in your medi- --

9 MR. NOTESTINE: -- New York.

10 THE COURT: -- in your arbitration?

11 MR. NOTESTINE: It's an arbitration not a mediation.
12 It was -

13 THE COURT: Okay.

14 MR. NOTESTINE: I probably need to prepare the
15 witnesses on the 11th and meet on the 12th or 13th and then
16 probably - that whole week going to be trouble, if we are
17 going -

18 THE COURT: Okay.

19 MR. NOTESTINE: -- to fly back on the 14th, Your
20 Honor.

21 THE COURT: Okay.

22 And what about the -

23 MR. NOTESTINE: The first week is open for me.

24 THE COURT: The first week of June?

25 MR. NOTESTINE: Yeah.

1 MR. SINKULE: Yeah, the week of the 4th of June and
2 the 27th.

3 THE COURT: Okay. So, let's do this.

4 Let's tentatively set this case for June 4th. I
5 have to clear my schedule, because I am on criminal duty the
6 6th, the 7th and the 8th. So, I'm going to see if I can clear
7 the 6th and the 7th, at least.

8 And, Ms. Jantowski, if you would like to keep
9 the 8th, with the possibility that we have a jury coming up.
10 I guess we are going to need to try to change that, too.

11 (Court and Clerk confer off the record.)

12 MR. NOTESTINE: Your Honor, I was just on a trial
13 docket with Judge Hittner, and he told us that we had a date
14 certain and I wanted to be - we got kicked off because of a
15 current criminal trial, and he has another date so it was
16 kicked off the criminal - are you in the same as that or -
17 because you are a Magistrate? Is that the way you want to go?

18 THE COURT: No. It is different for the Magistrate
19 judges. So, the - the District Court judges have to set the
20 criminal cases preferentially because of the Speedy Trial Act
21 issues. Magistrate judges take criminal duty on a rotating
22 basis for two weeks at a time.

23 MR. NOTESTINE: And you just go - you have criminal
24 cases during -

25 THE COURT: And we hear - and when Magistrate judges

1 are on criminal duty it's all day, every day - warrants,
2 anything that comes in on the criminal docket and do the
3 rest then -

4 MR. NOTESTINE: Then it is not on the other things,
5 so you get -

6 THE COURT: Correct. I'm in charge of my schedule
7 with respect to the criminal cases and other cases.

8 MR. NOTESTINE: That's our case.

9 (Court and Clerk confer off the record.)

10 THE COURT: All right. Assuming that I can clear the
11 schedule for the 6th - at least the 6th and 7th, we will go
12 forward on the 4th.

13 Do you all want to do the motions today? Do you
14 want to take up motions today, or do you want to wait until
15 closer to trial?

16 MR. SLOBIN: Your Honor, I prefer that we wait until
17 closer to trial.

18 MR. NOTESTINE: Yeah, I -

19 MR. SLOBIN: Anything that we can work out in
20 advance - because I know we just got the limine on Friday. I
21 think there are some things that we actually to, so - and
22 we've worked with this firm. We're happy to try to streamline
23 everything to try to get the case done. I think we can
24 probably get it done in that Monday and Tuesday of that week
25 and then maybe to send it to the jury on Wednesday, if we're

1 running on time.

2 MR. NOTESTINE: That's possible.

3 Do you have the lawyers do their own voir dire?

4 THE COURT: Mostly.

5 MR. NOTESTINE: Okay.

6 THE COURT: Yes. I'll ask the basic general
7 questions, introduce the parties. If you want me to do
8 anything speci- -- you know, case specific, I will.

9 Otherwise, I prefer that you all - I mean, you're the people
10 who need to connect with the jury, so I'm happy to let you do
11 that.

12 I think usually for a case like this I would say
13 no more than 30 minutes per side.

14 MR. SLOBIN: That's fine, Your Honor.

15 MR. NOTESTINE: That's fine.

16 THE COURT: With respect to the Motions in Limine,
17 they all looked really pretty standard, perhaps with the
18 exception of the issue of the subsequent remedial measures.

19 Do you think you might work out an agreement on
20 these two witnesses that were identified late?

21 MR. SINKULE: Well, I guess with respect to -

22 THE COURT: This -

23 MR. SINKULE: -- Mr. Diaz - he was actually
24 identified in Defendant's first Initial Disclosures back in
25 2016. His name has come up a number of times in depositions

1 and the different documents that have been produced, so.

2 THE COURT: And they're both -

3 MR. SINKULE: We can get them solved, but.

4 THE COURT: They're both were - they're both at least
5 current or former employees.

6 MR. NOTESTINE: He wasn't a former employee at that
7 time. He is now. He's been moved out. We don't have contact
8 with him.

9 The other two, Mr. Sud and Mr. Goenka, we - we
10 don't have a problem with them calling him, but - and they did
11 not - you guys, dropped Carnes (phonetic) - I think, Carnes
12 from the witness list I saw.

13 MR. SINKULE: We dropped Ms. Carnes in light of -

14 MR. NOTESTINE: There is only one person left.

15 THE COURT: Diaz, okay.

16 MR. NOTESTINE: That's Mr. Diaz.

17 THE COURT: All right. Well, let's see if he can -

18 MR. NOTESTINE: And we still - yeah. We oppose him
19 being called as a witness, unless they are identified as a
20 potential witness, primarily, within the discovery deadline.

21 THE COURT: Well, was he on your witness list, the
22 Disclosures?

23 MR. NOTESTINE: He was on our original Disclosures.

24 THE COURT: Okay.

25 MR. NOTESTINE: But never on the witness list.

1 THE COURT: Okay. All right. But those are the only
2 things that to me look like they were, well, controversial.

3 What about - are you going to have opposition to
4 the motion for Defendants to open and close?

5 MR. SINKULE: We actually do, Your Honor, yes.

6 THE COURT: Okay. All right.

7 So, before our next meeting if you'll submit
8 some sort of - it could be an informal letter or brief or
9 something - something giving me the bas- -- your legal basis
10 for that opposition.

11 MR. SINKULE: Yes, Your Honor.

12 THE COURT: Uh- --

13 MR. NOTESTINE: It doesn't look like any exhibits are
14 going to be an issue. They've identified the ones that we
15 have, so. So, it looks like one witness and a motion and we
16 will close. So, that's pretty much it.

17 THE COURT: All right.

18 And the jury instructions that you gave me are
19 the pattern instructions, correct?

20 MR. NOTESTINE: Yeah. I tell you - and one of the
21 instructions we give - we gave an advisory instruction on the
22 good faith defense.

23 THE COURT: Um-hmm.

24 MR. NOTESTINE: This is my thoughts on this, Judge.

25 We believe that the subsequent remedial

1 measures, which apply to two - two people, are not admissible
2 under Rule 407. If - if for some reason the Court would
3 determine that it is admissible - well, they want - we think
4 what happened - well, if that's not admissible and that issue
5 would be presented to the Court outside the presence of the
6 jury to make a ruling on the good faith defense.

7 THE COURT: Okay.

8 MR. NOTESTINE: Because that's a - I don't think
9 there's any dispute that's an issue for the Court to decide.
10 And so, if we exclude that under 407 as being irrelevant to
11 liability, which I think we cited a bunch of cases to support
12 that, and then submitted that - whatever evidence that was in
13 order to - that's kind of tied in with a good faith defense,
14 Your Honor.

15 A good faith defense is that we did an audit,
16 re-classified two of these guys and pay them their overtime
17 for sure - their overtime. We believe that that should all be
18 addressed outside the - outside the presence of the jury and
19 so.

20 If the Court were to rule for some reason that
21 the - that the subsequent remedial measures are admissible,
22 our position would be, well, we need some explanation to the
23 jury about why we're - why we're discussing this, And so, our
24 thought would be, well, we would - we would present an
25 argument - you know, present good faith evidence, the audit,

1 which is what that resulted in, to the jury; it would be an
2 Advisory Opinion question to the jury about the good faith,
3 and then the Court would either accept it or reject it.

4 But that would allow us to explain why this
5 evidence - why this happened.

6 THE COURT: And what's the basis - what's their
7 basis for believing it's admissible?

8 MR. SINKULE: Well, I mean, it's - that is what this
9 case is about, and it's so intertwined - you feel like the
10 re-classification is so intertwined with the Defendant's good
11 faith defense. And so, what -

12 THE COURT: And if that's going to be addressed by
13 the jury, why would the jury want to hear the evidence of
14 re-classification?

15 What - like, what would be - if it's not - if
16 the evidence is not admissible as to liability, what other
17 basis would there be to admit it?

18 MR. SINKULE: Well, I mean, I think all kinds of
19 information comes in twice in that trial, and the jurors can
20 decide what's important and what's not, to the extent it
21 even - if it came in and we needed an instruction from the
22 Court to - you know, if the jury should - doesn't want to
23 consider this piece or whatever, we're certainly fine with
24 that. But, you know, it is important I think, and I just
25 think that -

1 THE COURT: Important to show good faith, lack of
2 good faith; anything else?

3 MR. SINKULE: Well, it's mostly lack of good faith
4 and then, you know, if it comes up with respect to
5 impeachment, you know, we would have to go there at that time
6 and as I spoke - you know, we don't know that I would submit.

7 You know, they've introduced or have proposed
8 things if it is - which is an Advisory Opinion from an
9 attorney, Mr. Sud, to the company. And we have also indicated
10 that that's an exhibit for us. So, if we're talking about
11 those sorts of things, I think that it's important for the
12 jury to have a complete picture.

13 MR. NOTESTINE: Well, we had the list of exhibits,
14 Your Honor, and our position is that that is a exhibit for the
15 Court to consider. But, of course, if the Court for some
16 reason allows that evidence in, we would want the audit and
17 the evidence in front of the jury in order to explain why he
18 did this.

19 THE COURT: So, this Advisory Opinion is the audit
20 that you referred to?

21 MR. NOTESTINE: The exhibit -

22 THE COURT: The exhibit - is the exhibit that you
23 all understand is the evidence.

24 MR. NOTESTINE: Yes, that's the audit, right; that's
25 the audit.

1 THE COURT: All right. Okay.

2 Okay. Anything else that we haven't discussed -
3 well, we started talking about the charge, and I think -

4 MR. NOTESTINE: I think - otherwise, I think we're in
5 agreement other than that Advisory Opinion; aren't we?

6 MR. SINKULE: I think that's right. I think there
7 are just a few issues that we talked about that we have
8 disagreements on, which is not maybe Novick. When we are
9 getting ready for trial, yeah, it is pretty tailored, I think
10 right now.

11 MR. NOTESTINE: Yeah. I mean, it's pattern jury
12 charge and then we directly quoted out some regulations that
13 are relevant to the determination of whether they are exhibits
14 or is not and so.

15 And then, the only other thing is that which we
16 believe - I mean, we offered it, but we believe that it's an
17 issue for the Court that should not be submitted to the jury.

18 THE COURT: That is -- what is an issue for the Court
19 that should not be -

20 MR. NOTESTINE: Good faith. Good faith evidence.

21 THE COURT: Yes, okay.

22 Okay. All right. Nothing? We may be finished
23 for today. Let -

24 Have we heard anything back from anyone
25 regarding the schedule?

1 (Court confers with Clerk off the record.)

2 THE COURT: Okay. Just before I let you all go, in
3 the event that I cannot clear my schedule for the 6th and the
4 7th - I know the 11th is out; the 18th we're in trial on the
5 other case. And what did we say with the week - the last week
6 of June? Someone had an issue there?

7 MR. SINKULE: No issue on our side.

8 THE COURT: Mr. Notestine, did you have an issue with
9 the last week of June?

10 MR. NOTESTINE: I don't, no.

11 THE COURT: Is there any issue with the - with this
12 case going to trial after the *Hendricks* case?

13 MR. SINKULE: Not that I'm aware of.

14 MR. NOTESTINE: We're negotiating.

15 THE COURT: Okay.

16 In the event I cannot clear my schedule, could
17 you please hold on to that last week of June?

18 MR. SINKULE: Yes.

19 MR. NOTESTINE: We shall.

20 THE COURT: And we'll let you know as soon as we get
21 the permission.

22 MR. SLOBIN: Your Honor -

23 THE COURT: Yes.

24 MR. SLOBIN: -- one thing just for clarification.

25 THE COURT: Yes.

1 MR. SLOBIN: The three or four issues that we kind of
2 talked about here today are we just going to pick these back -
3 other than the kind of letter briefing you're looking for, are
4 we going to pick these back up for the trial, or did you want
5 any other briefing from us on those issues?

6 THE COURT: I don't think I need any other briefing.
7 If you want to respond to the Motion in Limine -

8 MR. SLOBIN: Okay.

9 THE COURT: -- at the - well, that's what I asked you
10 to respond to, right?

11 MR. SLOBIN: Yeah.

12 THE COURT: It was the issue of the subsequent
13 remedial measures.

14 MR. SLOBIN: Right. But it was the - it was that the
15 good faith advisory whole - you know, the whole - double-edged
16 sword issue. I just wanted to make sure you had enough
17 information on that, or I want to make sure or address that
18 we're going to go back and talk about it.

19 THE COURT: I'll put it to you this way. I'm happy
20 to - if you want to submit something else, I will definitely
21 review it.

22 MR. SLOBIN: Okay.

23 THE COURT: I'm not going to require you to submit
24 something else.

25 MR. SLOBIN: I appreciate that, Your Honor.

1 THE COURT: It does make sense to me that if - that
2 if the - what we're calling the subsequent remedial measures
3 or the re-classification comes in, it makes sense to me that
4 the jury could then hear evidence -

5 MR. SLOBIN: Yeah, that -

6 THE COURT: -- about how that happened.

7 MR. SLOBIN: We actually may be fine - I don't mean
8 to - I think - but I think we actually may be fine with that
9 arrangement, if that's what we get to.

10 MR. NOTESTINE: That's not our preference, Your
11 Honor.

12 THE COURT: Okay.

13 MR. NOTESTINE: Our preference is that it's not
14 admissible and that the Court considered those issues on the
15 fifth, Your Honor.

16 THE COURT: And we - you know, one thing you might
17 want to address is whether if you - whether you believe that -
18 on the issue of getting an Advisory Opinion from the jury on
19 the good faith issue. It seems to me if you're going to put
20 that issue in front of the jury, then the Advisory Opinion
21 seems appropriate. So, I don't know if you want to brief that
22 at all.

23 MR. SLOBIN: Yeah, sure. We have a habit of, like,
24 being to brief things, so we will probably send you something,
25 Your Honor.

1 THE COURT: Okay.

2 I think that's it. Hopefully, you all will come
3 to agreement on everything else.

4 Anything else that we should take up today?

5 MR. SINKULE: Not from our side, Your Honor.

6 THE COURT: And you -

7 MR. SLOBIN: Congratulations on your kids.

8 THE COURT: Oh, thank you. That is - it's
9 interesting to have twins in college, so that's going to be a
10 great thing to get them out.

11 The number of witnesses you - you said that you
12 had - I know you mentioned - there are several listed on your
13 Joint Pretrial Order, but what is your best guess as to the
14 number that we actually will have at trial?

15 MR. NOTESTINE: We just have one besides the
16 Plaintiffs.

17 MR. SINKULE: And I think it's all eight for us that
18 we mostly we will likely call - I don't know that, being my
19 first time.

20 THE COURT: All eight?

21 MR. SINKULE: Yes.

22 THE COURT: Okay.

23 MR. SINKULE: Some of them we might think would be
24 very brief, and, yeah, but the five of those eight are
25 Plaintiffs.

1 THE COURT: Okay.

2 Okay. All right.

3 That's all I have unless you all have something
4 else.

5 MR. SINKULE: Nothing further from us.

6 THE COURT: You may be excused.

7 Thank you.

8 MR. NOTESTINE: Thank you, Your Honor.

9 MR. SLOBIN: Thank you, Your Honor.

10 THE COURT: And we'll be in touch regarding the
11 dates.

12 MR. SINKULE: Thank you.

13 (Proceedings concluded at 2:30 p.m.)
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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF TEXAS
3 HOUSTON DIVISION
4

5 I, Linda Griffin, court approved transcriber, certify that
6 the foregoing is a correct transcript from the official
7 electronic sound recording of the proceedings in the above-
8 entitled matter.
9

10 /s/ Linda Griffin
11 Linda Griffin
12 Digital Scroll Transcription
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March 5, 2019
Date